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Paper No. 9

In re Application of
Kenneth A. Perrie *et al*
Application No. 10/004,017
Filed: October 18, 2001
Attorney Docket No. 1482/187(d)

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: DECISION ON PETITION
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This is a decision on the petition filed on April 7, 2004 by which petitioners request withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the Office action dated August 26, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that a timely and proper reply to the Office letter was in fact filed on November 26, 2003. Petitioners have supported this allegation by furnishing a copy of the reply and a copy of a filing receipt for the reply. The filing receipt shows that the reply was actually received in the Office on November 26, 2003, a date within the period for filing a reply to the Office letter in question. This evidence clearly establishes that this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory applications Examiner for entry of the reply filed on November 26, 2003, and thereafter will be forwarded to the examiner for action on the reply.

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